APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,121	03/17/2000	David M. Greschler	2704.1001-003	5255

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EXAMINER
NGUYEN, QUANG N

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 12/11/2002   11

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _17 March 2000_ .

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under _Ex parte Quayle_, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-17_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _13 June 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)	
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _6 and 7_ .		6) ☐ Other: .	

Detail Action

1.   Claims 1-17 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1-4, 10-11, and 13 are rejected under 35 U.S.C. 102(e) as being

anticipated by Pitts (US 5,892,914).

4.   As to claim 1, Pitts teaches a method and system allowing a client 42 to access a

Network Distributed Cache (NDC) server system including NDC server site 22, NDC

client site 24, and a plurality of intermediate NDC sites 26A and 26B (Fig. 1) comprising:

- Executing a process requiring a networking protocol (client workstation 42

  accesses data on the hard disk 32 by Data Transfer Protocol "DTP" messages

  52 via the NDC sites 24, 26B, 26A and 22 of Fig. 1, C9: L52-67);

- Intercepting communications from the process to a port assigned to support the

  network protocol (a single request by the client workstation 42 to read data

  stored on the hard disk 32 is intercepted by the NDC client intercept routine 102

  of Figs. 1, 3, C11: L10-21 and C12: L42-46); and

- Redirecting the communications over an open port (i.e., redirecting the request

  for data of client workstation 42 from NDC client site 24 using DTP client

  interface routine 108 to DTP server interface routing 104 of intermediate NDC

  site 26B of Figs. 1, 3, C11: L38-57).

5.   As to claims 2-3, Pitts teaches the method as in claim 1, wherein the step of

executing the process comprises executing an application program (receiving the

request, checking to determine if the requested data exists, accessing the source data

structure, and sending the data and metadata back to the client workstation 42) residing

on a remote storage asset (C11-12: L10-10).

6.   As to claim 4, Pitts teaches the method as in claim 1, wherein the process utilizes

SMB networking (C12: L11-16, L35-37, C13: L53-60, and C15: L18-23).

7.   As to claim 10, Pitts teaches the method as in claim 1, wherein the open port,

which may receive requests for data in various network standard protocols other than

DTP (Data Transfer Protocol including File Transfer Protocol "FTP") such as NFS

protocol, SMB protocol, or another protocol, is a FTP port (C13: L53-67).

8.   Claim 11 is a corresponding system claim of claims 1-4; therefore, it is rejected

under the same rationale.

9.   Claim 13 is a corresponding system claim of claim 10; therefore, it is rejected

under the same rationale.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pitts, in view of Mark Joseph Edwards, "Network Client and Workstation Concerns", Dec

1997, here in after referred as Edwards.

12.   As to claim 5, Pitts teaches the method as in claim 1, but does not explicitly teach

the step of intercepting communications from the process comprises intercepting

communications for port 139.

        In the related art, Edwards teaches port 139 is a TCP port and is used for

NetBIOS sessions by SMB for file/print sharing (Edwards, "Network Client and

Workstation Concerns", 3rd paragraph of page 1).

        Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to combine the teachings of Pitts and Edwards to have

included the step of intercepting communications for port 139 to intercept

communications from a process to a port because it would provide protection for the

network from unauthorized intruders taking the advantage of the vulnerabilities of the

SMB protocol (Edwards, "Network Client and Workstation Concerns", 3rd paragraph of

page 1).

13.   Claim 14 is a corresponding system claim of claim 5; therefore, it is rejected

under the same rationale.

14.   Claims 6-9, 12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitts, in view of Grate et al. (US 5,956,483), herein after referred as Grate.

15.   As to claim 6, Pitts teaches the method as in claim 1, but does not explicitly teach the step of intercepting communications from the process comprises addressing the communications to an address assigned for local loop-back.

In the related art, Grate teaches a function calling protocol and methodology allowing local function calls embedded within HTML documents by addressing the HTTP POST message to the IP address of the Local Host service (referred to more generally as "local loop-back") along with a pre-selected TCP/IP port designation (Grate, C2: L28-44, C3: L23-36 and C10: L26-63).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of Pitts and Grate to have included the step of addressing the communications to an address assigned for local loop-back because it would allow client/user/consumer to securely engage in commerce with on-line merchants over the Internet by accessing merchant web sites of the system from behind company Internet firewalls (Grate, C10: L20-25).

16.   As to claims 7-9, Pitts-Grate teaches the step of redirecting the communications over the open port comprises encapsulating the communications in an HTTP packet, wherein the communications are located in a post data portion of the HTTP packet (i.e.,

HTTP POST message), and the open port is an HTTP port (port 132B of Fig. 1, Grate,

C3: L13-44, and C9: L13-37).

17.   Claim 12 is a corresponding system claim of claim 9; therefore, it is rejected

under the same rationale.

18.   Claims 15-17 are corresponding system claims of claims 6-8; therefore they are

rejected under the same rationale.

19.   Further references of interest are cited on Form PTO-892, which is an
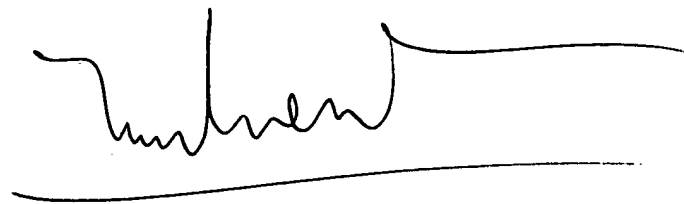
attachment to this office action.

20.   A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Le H. Luu, can be reached at (703) 305-9650. The fax phone numbers for the organization is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

LE HIEN LUU
PRIMARY EXAMINER

Quang N. Nguyen